



7-26-02

1653

Docket No. 2026-4253US7

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Witold CIEPLAK

Group Art Unit: 1653

Serial No.: 09/770,875

Examiner: Gabriele E. Bugaisky

Filed: January 26, 2001

For: PERTUSSIS TOXIN GENE: CLONING AND EXPRESSION OF PROTECTIVE ANTIGEN

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**EXPRESS MAIL CERTIFICATE**

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Date of Deposit: **July 24, 2002**

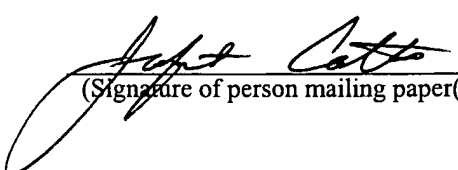
I hereby certify that the following attached paper(s) and/or fee:

1. Amendment in Response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated July 2, 2002 (10 pages), 2. Paper Copy of Substitute Sequence Listing (20 pages), 3. Computer Diskette containing the Sequence Listing, 4. Statement Under 37 CFR §1.821(f) or §1.825(b) (1 page), 5. USPTO Checker verification summary report (1 page), 6. Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, and 7. Return Receipt Postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA, 22202

Jafet Cotto

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**Correspondence Address:**

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154-0053  
(212) 758-4800 Telephone  
(212) 751-6849 Facsimile



PAGE:  
07/23/2002

VERIFICATION SUMMARY REPORT

DATE:

10:37:25

PATENT APPLICATION

TIME:

INPUT SEQ: A:\Nih42531.app

#### GENERAL INFORMATION SECTION

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3,<110> CIEPLAK, WITOLD  
5,<120> PERTUSSIN TOXIN GENE: CLONING AND EXPRESSION OF  
6, PROTECTIVE ANTIGEN  
8,<130> 2026-4253US7  
10,<140> 09/770,875  
11,<141> 2001-01-26  
13,<150> 07/311,612  
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27,<170> PatentIn Ver. 2.1

#### ERRORED LINES SECTION

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#### STATISTICS SUMMARY

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Application Serial Number: 09/770,875  
Alpha or Numeric: Numeric  
Application Class:  
Application File Date: 2001-01-26  
Art Unit:  
Software Application: PatentIN2.1  
Total Number of Sequences: 28  
Total Nucleotides: 4488  
Total Amino Acids: 2088  
Number of Errors: 0  
Number of Warnings: 2  
Number of Corrections: 0



PATENT  
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For : PERTUSSIS TOXIN GENE: CLONING AND EXPRESSION OF  
PROTECTIVE ANTIGEN

Statement Under 37 C.F.R. §1.821(f) or §1.825(b)

Commissioner of Patents  
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Dear Sir:

I hereby certify that:

- ☒ [X] The paper Sequence Listing submitted herewith and computer readable Sequence Listing attached hereto are identical (37 C.F.R. §1.821(f)).
- ☐ [ ] The substitute paper Sequence Listing and substitute computer readable Sequence Listing submitted herewith are identical. No new matter is included (37 C.F.R. §1.825(b)).

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Date: July 24, 2002

By: 

Dorothy R. Auth  
Reg. No. 36,434

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154-0053  
(212) 758-4800 Telephone  
(212) 751-6849 Facsimile



Application No.: 09/770875

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ Other
- ☐ The disks are being irradiated by electron bombardment and are showing up melted, unreadable, and or crazed (CDROMS).

A reply to a notice to comply with the sequence rules should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office.

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(<<http://www.uspto.gov/efb/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)

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NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

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4. Hand Carried directly to the Customer Window at:  
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Crystal Plaza Two, Lobby, Room 1B03, Box Sequence,  
Arlington, Virginia 22202

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216 or (703) 308-2923
- For CRF Submission Help, call (703) 308-4212
- For PatentIn software Program Support:
  - HELP DESK: (703) 739-8559, ext 508, M-F, 8 AM to 5 PM EST except holidays
  - Email: [PATIN21HELP@uspto.gov](mailto:PATIN21HELP@uspto.gov)
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